

# Notice of Allowability

Application No.

10/039,425

Examiner

Albert W. Paladini

Applicant(s)

MARSHALL ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on 1/4/02.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ The drawings filed on 04 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/03, 1/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Reasons for Allowance***

1. The following is an examiner's statement of reasons for allowance: None of the references cited or the art searched discloses or teach alone or in combination the method of determining a node path through a node graph by modifying a mode graph in accordance, with a metric, and then performing a path finding process through the node graph to determine the node path, as recited in claim 1. Claims 9, 11, 19, 21, and 29 include the basic limitations recited above, and are all narrower than claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Relevant Prior Art***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cain (4905233) discloses a path routing mechanism for a packet communication network, which examines the path metrics of all paths that extend from a source node to a destination node. Using the metric of the shortest path between the source node and the destination node as a reference, the metrics of all the shortest paths from all neighboring nodes to the destination node are examined to determine which path, if any, yields a metric total that exceeds the reference. A path whose metric exceeds that of the reference is eliminated as a possible candidate path for routing transmissions between the source and destination nodes. As a

result, any path that includes a node, which is located farther away from the destination node than the source node, is eliminated as a candidate. (This requirement guarantees consistent routes without any loops).

Katzela (5872773) discloses a system and method for routing cells in a wireless communications network, wherein the communications network includes a plurality of switching nodes and the cells are routed according to destination-rooted virtual path identifier (VPI) trees. The present invention includes a routing protocol for determining preestablished VPI trees rooted at each destination node. The routing protocol manages the routes of these trees, while ensuring that there are at least two VPI trees from each source to each destination for reliability reasons, and that each destination node has multiple VPI trees for load-balancing reasons. The routing protocol includes an off-line procedure for the determination of the initial VPI trees. In order to handle changes in network traffic and conditions, the routing protocol updates the routes of the VPI trees in a dynamic and distributed fashion. These update procedures are triggered by congestion, link/node failures and link/node additions.

Zaumen (5881243) discloses a system for maintaining routing tables at each router in a computer network using a feasibility condition of the present invention, which is denoted as the DMC (Diffusing Multipath Condition). DMC assigns a feasible distance to each node and increases this feasible distance at the end of a diffusing computation instead of the start of the diffusing computation. Unlike the prior art, DMC maintains an upper bound on the feasible distance of its neighbors based on the type of message sent.

Narvaez-Guarnieri (6098107) discloses algorithms for determining the routing of information data packets in a communications network, and particularly, a method

Art Unit: 2125

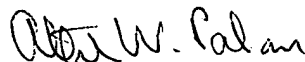
implemented in a router for determining the shortest path for communicating packets to one of a plurality of inter-connected routers in a communications network.

3. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (571) 272-3748. The examiner can normally be reached from 7:00 to 3:00 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (571) 272-3749. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

July 7, 2005

  
Albert W. Paladini  
Primary Examiner  
Art Unit 2125